

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE JOHN KOKOLIOS,

Petitioner,

v.

RALPH DIAZ,

Respondent.

Case No. 2:20-cv-00933-KJM-JDP (HC)

ORDER TO SHOW CAUSE WHY THIS  
CASE SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE AND FAILURE  
TO STATE A CLAIM

ECF Nos. 5, 9.

RESPONSE DUE WITHIN TWENTY-ONE  
DAYS

On May 15, 2020, the previously assigned magistrate judge screened plaintiff's petition for writ of habeas corpus, dismissed it for failure to state a claim, and granted petitioner thirty days to file an amended petition. ECF No. 5. Rather than filing an amended petition, petitioner filed a motion for reconsideration of the May 15 screening order. ECF No. 8. Although that motion was denied on July 6, 2020, ECF No. 9, petitioner has yet to file an amended petition for writ of habeas corpus.

To manage its docket effectively, the court imposes deadlines on litigants and requires litigants to meet those deadlines. The court may dismiss a case for petitioner's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41(b); *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988). Involuntary dismissal is a harsh penalty, but a district court

1 has a duty to administer justice expeditiously and avoid needless burden for the parties. *See*  
2 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

3 Petitioner will be given a chance to explain why the court should not dismiss the case for  
4 his failure to prosecute and for failure to state a claim. Petitioner's failure to respond to this order  
5 will constitute a failure to comply with a court order and will result in a recommendation that this  
6 action be dismissed. Accordingly, petitioner is ordered to show cause within twenty-one days  
7 why this case should not be dismissed for failure to prosecute and failure to comply with court  
8 orders. Should petitioner wish to continue with this lawsuit, he shall file, within twenty-one days,  
9 an amended petition.

10  
11 IT IS SO ORDERED.

12 Dated: January 19, 2021

13   
14 JEREMY D. PETERSON  
15 UNITED STATES MAGISTRATE JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28